

1 KEKER & VAN NEST LLP
JOHN KEKER - #49092
2 jkeker@kvn.com
DANIEL PURCELL - #191424
3 dpurcell@kvn.com
EUGENE M. PAIGE - #202849
4 epaige@kvn.com
PAULA L. BLIZZARD - #207920
5 pblizzard@kvn.com
CODY S. HARRIS - #255302
6 charris@kvn.com
JUSTINA K. SESSIONS - #270914
7 jsessions@kvn.com
633 Battery Street
8 San Francisco, CA 94111-1809
Telephone: 415-391-5400
9 Facsimile: 415-397-7188

10 Attorneys for Defendant
LUCASFILM LTD.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Case No. 3:11-cv-2509-LHK

16
17 THIS DOCUMENT RELATES TO:
18 ALL ACTIONS

**DECLARATION OF JUSTINA K.
SESSIONS REGARDING LUCASFILM'S
DOCUMENT AND DATA PRODUCTION**

Judge: Hon. Lucy H. Koh

Date Compl. Filed: May 4, 2011

1 In accordance with the Court's Order of June 5, 2012, I, JUSTINA K. SESSIONS, declare
2 and say that:

3 1. I am an attorney licensed to practice law in the State of California and am an
4 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street,
5 San Francisco, California 94111, counsel for Defendant Lucasfilm Ltd. in the above-captioned
6 action. I am duly admitted to practice law before this Court. I have personal knowledge of the
7 facts set forth in this declaration.

8 **Lucasfilm's Data Production**

9 2. Lucasfilm substantially completed its production of employee and recruiting data
10 in two rolling productions, which took place on April 16 and May 21, 2012.

11 3. On May 30, 2012, Plaintiffs informed Lucasfilm that it appeared that Lucasfilm's
12 May 21 production was missing recruiting data from 2001-2008. Lucasfilm determined that,
13 although the recruiting data had been collected and processed for production, it had been
14 inadvertently omitted from its May 21, 2012 production. Lucasfilm corrected this oversight the
15 next day, producing the inadvertently omitted recruiting data on May 31, 2012.

16 4. On June 10, 2012, Plaintiffs sent an e-mail to Lucasfilm stating their belief that
17 Lucasfilm's prior data productions were missing certain bonus data. On June 13, 2012, Lucasfilm
18 produced a further data set containing bonus data.

19 5. The Court directed the parties to meet and confer regarding overtime data. On
20 June 8, 2012, Lucasfilm informed Plaintiffs that it had no salaried, non-exempt employees who
21 were paid overtime. To date, Plaintiffs have not responded to Lucasfilm's letter.

22 **Lucasfilm's Document Production**

23 6. Lucasfilm substantially completed its document production on June 15, 2012. In
24 addition to its November 2011 production of documents previously produced to the Department
25 of Justice, Lucasfilm reviewed and produced documents pursuant to two "tracks" agreed upon by
26 the parties. The production pursuant to the first track ("Track One") was based (among other
27 efforts) on custodian interviews, designed to identify responsive, high-level documents without
28 the need to run search terms against electronically stored information (ESI). The production

1 pursuant to the second track (“Track Two”) was based on collecting ESI from custodians and the
 2 application of search terms to those collections.

3 7. Lucasfilm has made eight rolling document productions in this case, consisting of
 4 approximately 72,141 documents (or approximately 190,550 pages), as follows:

- 5 • On November 30, 2011, Lucasfilm produced approximately 3,266 documents
 6 consisting of documents previously produced to the Department of Justice.
- 7 • On December 16, 2011, Lucasfilm produced approximately 42 documents that
 8 initially had been withheld from the November 30, 2012 production on the basis of
 9 privilege but subsequently were determined to be not privileged.
- 10 • On April 11, 2012, Lucasfilm produced approximately 46 Track One documents.
- 11 • On April 20, 2012, Lucasfilm produced approximately 389 Track One documents.
- 12 • On May 9, 2012, Lucasfilm produced approximately 496 Track Two documents.
- 13 • On May 29, 2012, Lucasfilm produced approximately 9,945 Track Two
 14 documents.
- 15 • On June 8, 2012, Lucasfilm produced approximately 25,296 Track Two
 16 Documents.
- 17 • On June 15, 2012, Lucasfilm produced approximately 32,661 Track One and
 18 Track Two documents, substantially completing its document production.

19 8. Lucasfilm is in the process of double-checking documents that were not produced
 20 because they were not responsive to Plaintiffs’ requests or privileged. To the extent any
 21 Defendant discovers that some non-privileged documents were initially withheld as privileged,
 22 Defendants have agreed with Plaintiffs to produce such documents on a rolling and timely basis,
 23 along with their privilege logs. To the extent that Lucasfilm discovers documents that are
 24 responsive to Plaintiffs’ requests that were inadvertently not produced, Lucasfilm will produce
 25 such documents on a rolling and timely basis. Lucasfilm plans to complete its re-review and any
 26 subsequent production of documents, as well as provide a privilege log, by July 16, 2012.
 27 Lucasfilm anticipates that, in total, all documents produced after the June 15, 2012 deadline for
 28 substantial completion will account for less than 5% of Lucasfilm’s total document production.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was executed in San Francisco, California, on June 18,
3 2012.

4
5 /s/ Justina K. Sessions

6 JUSTINA K. SESSIONS
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28